

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## FEDERAL TRADE COMMISSION

Plaintiff,

V.

TANNER GARRETT VAUGHN, individually and doing business as Lead Expose, Inc., and Uptown Media, Inc.,

Defendant.

Case No.

[PROPOSED]  
**TEMPORARY RESTRAINING  
ORDER WITH ASSET  
PRESERVATION, ACCOUNTING OF  
ASSETS, OTHER EQUITABLE  
RELIEF, AND ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), having filed its Complaint for Permanent Injunction and Other Equitable Relief in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and having moved for a Temporary Restraining Order with Other Equitable Relief, and an Order to Show Cause Why a Preliminary Injunction Should Not Issue pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the Court having considered the Complaint, declarations, exhibits, and memorandum of law filed in support of such motion, and now being advised in the premises, finds that:

## **FINDINGS**

1. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe it will have jurisdiction over the parties.

2. Venue lies properly with this Court.

3. There is good cause to believe that Defendant Tanner Garrett Vaughn has engaged in, and is likely to engage in the future in, acts and practices that violate Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52, and that the Commission is therefore likely to prevail on the merits of this action.

4. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary restitution will occur from the sale, transfer, assignment, or other disposition or concealment by Defendant of his assets or records unless he is immediately restrained and enjoined by order of this Court. Therefore, there is good cause for the entry of the ancillary relief contained in this Order, including an order preserving Defendant's assets and prohibiting Defendant from destroying records.

5. Weighing the equities and considering the Commission's likelihood of ultimate success, this Temporary Restraining Order is in the public interest.

6. No security is required of any agency of the United States for the issuance of a temporary restraining order. *See Fed. R. Civ. P. 65(c).*

## **DEFINITIONS**

For purposes of this Temporary Restraining Order (“Order”), the following definitions shall apply:

1.     **“Acai Berry Products”** shall refer to any products, sold alone or in combination with companion products, that are advertised, marketed, promoted, offered for sale, distributed, or sold with express or implied representations that the product contains acai berries.

2.     **“Asset” or “Assets”** means any legal or equitable interest in, right to, or claim to, any real or personal property, including, but not limited to, “goods,” “instruments,” “equipment,” “fixtures,” “general intangibles,” “inventory,” “checks,” or “notes” (as these terms are defined in the Uniform Commercial Code), lines of credit, chattels, leaseholds, contracts, mail or other deliveries,

1 shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and all cash,  
 2 wherever located.

3       3.     **“Assisting others”** includes, but is not limited to: (a) performing customer service  
 4 functions, including, but not limited to, receiving or responding to consumer complaints; (b)  
 5 formulating or providing, or arranging for the formulation or provision of, any sales script or other  
 6 marketing material; (c) providing names of, or assisting in the generation of, potential customers; (d)  
 7 verifying, processing, fulfilling, or arranging for the fulfillment of orders; (e) performing or providing  
 8 marketing, billing, or collection services of any kind, including, but not limited to, creating, hosting, or  
 9 maintaining websites, or recruiting affiliates; or (f) acting as an officer or director of a business entity.

10       4.     **“Competent and reliable scientific evidence”** means tests, analyses, research, or  
 11 studies that have been conducted and evaluated in an objective manner by qualified persons and are  
 12 generally accepted in the profession to yield accurate and reliable results.

13       5.     **“Covered Product”** means any dietary supplement, food, or drug, including, but not  
 14 limited to, Acai Berry Products.

15       6.     **“Defendant”** means Tanner Garret Vaughn, individually and doing business as  
 16 Lead Expose, Inc., and Uptown Media, Inc.

17       7.     **“Document” or “Documents”** means any materials listed in Federal Rule of Civil  
 18 Procedure 34(a) and includes writings, drawings, graphs, charts, photographs, audio and video  
 19 recordings, computer records, and other data compilations from which information can be obtained  
 20 and translated, if necessary, into reasonably usable form through detection devices. A draft or  
 21 nonidentical copy is a separate Document within the meaning of the term.

22       8.     **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or  
 23 services.

24       9.     **“Material connection”** means any relationship that materially affects the weight or  
 25 credibility of any endorsement and that would not be reasonably expected by consumers.

26       10.    **“Person”** means a natural person, an organization or other legal entity, including a  
 27 corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or  
 28 any other group or combination acting as an entity.

1 11. “**Plaintiff**” means the Federal Trade Commission (“Commission” or “FTC”).

2 **CONDUCT PROVISIONS**

3 **I. PROHIBITED BUSINESS ACTIVITIES**

4 **IT IS THEREFORE ORDERED** that Defendant, and his officers, agents, servants,  
 5 employees and attorneys, and all other persons in active concert or participation with any of them, who  
 6 receive actual notice of this Order by personal service or otherwise, whether acting directly or through  
 7 any trust, corporation, subsidiary, division, or other device, or any of them, in connection with the  
 8 advertising, marketing, promotion, offering for sale, or sale of any product, service, or program, are  
 9 hereby temporarily restrained and enjoined from:

10 A. Misrepresenting, or assisting others in misrepresenting, any material fact, expressly or  
 11 by implication, including, but not limited to, that:

12 1. Any website or other publication is an objective news report;  
 13 2. Objective news reporters have performed independent tests of any product,  
 14 service, or program, including, but not limited to, a Covered Product;  
 15 3. Independent tests demonstrate the effectiveness of any product, service, or  
 16 program featured in any website or other publication, including, but not limited to, a Covered  
 17 Product; and

18 4. Comments posted on websites express the views of independent consumers;

19 B. Failing to disclose, or disclose adequately:

20 1. Any material connection, when one exists, between any user or endorser of any  
 21 product, service, or program and Defendant or any other person manufacturing, advertising,  
 22 labeling, promoting, offering for sale, selling or distributing such product, service, or program;  
 23 and

24 2. If applicable, that the content of any website or other publication has not been  
 25 authored by an objective journalist but is in fact an advertisement placed for compensation.

26 **II. PROHIBITED REPRESENTATIONS REGARDING COVERED PRODUCTS**

27 **IT IS FURTHER ORDERED** that Defendant, and all other persons in active concert or  
 28 participation with him who receive actual notice of this Order by personal service or otherwise,

1 whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any  
2 of them, in connection with the advertising, marketing, promotion, offering for sale, or sale of any  
3 Covered Product, are hereby temporarily restrained and enjoined from making, or assisting others in  
4 making, expressly or by implication, including through the use of a product name, endorsement,  
5 depiction, or illustration, any representation that such product causes weight loss or rapid weight loss  
6 and any other representation about the health benefits, performance, or efficacy of such product, unless  
7 the representation is non-misleading and, at the time of making such representation, Defendant  
8 possesses and relies upon competent and reliable scientific evidence, as that term is defined above, that  
9 is sufficient in quality and quantity based on standards generally accepted in the scientific fields, when  
10 considered in light of the entire body of relevant and reliable scientific evidence, to substantiate the  
11 representation is true.

## ASSET PROVISIONS

### III. ASSET PRESERVATION

**IT IS FURTHER ORDERED** that:

A. Defendant, and his officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, are hereby restrained and enjoined from directly or indirectly selling, transferring, alienating, liquidating, encumbering, pledging, loaning, assigning, concealing, dissipating, converting, withdrawing or making any other disposition of any assets or any interest therein, wherever located, including any assets outside the territorial United States, that are owned, controlled or held by, or for the benefit of, in whole or in part, Defendant, or are in the actual or constructive possession of Defendant.

B. The assets affected by this Section shall include both existing assets and assets acquired after the effective date of this Order.

C. Notwithstanding Section III.A above, by prior written agreement with counsel for the

1 Commission, or prior approval by the Court, Defendant may withdraw, transfer, encumber, or  
 2 otherwise dissipate assets to pay actual, ordinary, and necessary business or living expenses that  
 3 Defendant reasonably incurs.

4       D. To the extent that Defendant withdraws, transfers, encumbers, or otherwise dissipates  
 5 assets pursuant to Section III.C of this Order, he shall provide an accounting of his expenses to counsel  
 6 for the Commission for each calendar month.

#### 7           **IV. FINANCIAL REPORTS AND ACCOUNTING**

8       **IT IS FURTHER ORDERED** that at least three (3) calendar days prior to the preliminary  
 9 injunction hearing in this matter, and in no event later than ten (10) calendar days after entry of this  
 10 Order, Defendant shall provide to counsel for the Commission:

11       A. A completed financial statement accurate as of the date of entry of this Order, in the  
 12 form provided as Attachment A for individuals, signed under penalty of perjury. The financial  
 13 statement shall include assets held outside the territory of the United States, shall be accurate as of the  
 14 date of the entry of this Order, and shall be verified under oath. Defendant shall attach to this  
 15 completed financial statement copies of all local, state, provincial, and federal income and property tax  
 16 returns, with attachments and schedules, as called for by the instructions to the financial statements;  
 17 and

18       B. A detailed accounting of:

19           1. The names of all products and services advertised, marketed, promoted, offered  
 20 for sale, distributed, or sold since January 1, 2008;  
 21           2. gross revenues and net profits (in U.S. Dollars) obtained from the advertising,  
 22 marketing, or sale of each product and service identified in Subsection IV.B.1. above, from  
 23 inception of the advertising, marketing, or sale of that product or service through the date of  
 24 entry of this Order; and

25           3. the name, address, telephone number, e-mail address, website address, and  
 26 contact person of each entity or person that: (i) supplied, manufactured, formulated, or created  
 27 any product or service that is advertised, marketed, promoted, offered for sale, distributed, or  
 28 sold by or on behalf of Defendant, (ii) provided any order fulfillment services of any kind,

1 including, but not limited to, drop shipping, mailing, and/or distributing products, for or on  
 2 behalf of Defendant, or (iii) paid Defendant, whether directly or indirectly, related to  
 3 Defendant's advertisement of any products or services.

4 **RECORD KEEPING PROVISIONS**

5 **V. PRESERVATION OF RECORDS AND REPORT OF NEW BUSINESS ACTIVITY**

6 **IT IS FURTHER ORDERED** that Defendant and his officers, agents, servants, employees,  
 7 and attorneys, and all other persons in active concert or participation with him who receive actual  
 8 notice of this Order by personal service or otherwise, whether acting directly or through any trust,  
 9 corporation, subsidiary, division, or other device, or any of them, are hereby restrained and enjoined  
 10 from:

11       A.     Failing to create and maintain books, records, accounts, bank statements, current  
 12 accountants' reports, general ledgers, general journals, cash receipts ledgers, cash disbursements  
 13 ledgers and source documents, documents indicating title to real or personal property, and any other  
 14 data which, in reasonable detail, accurately, fairly, and completely reflect Defendant's income, and the  
 15 disbursements, transactions, dispositions, and uses of Defendant's assets; and

16       B.     Destroying, erasing, mutilating, concealing, altering, transferring, or otherwise  
 17 disposing of, in any manner, directly or indirectly, any documents, including electronically stored  
 18 materials, that relate in any way to: the business practices or business or personal finances of  
 19 Defendant; or the business practices or finances of entities directly or indirectly under the control of  
 20 Defendant; and

21       C.     Creating, operating, or exercising any control over any business entity, whether newly-  
 22 formed or previously inactive, including any partnership, limited partnership, joint venture, sole  
 23 proprietorship, or corporation, without first providing the Commission with a written statement  
 24 disclosing: (1) the name of the business entity; (2) the address, telephone number, e-mail address, and  
 25 website address of the business entity; (3) the names of the business entity's officers, directors,  
 26 principals, managers, and employees; and (4) a detailed description of the business entity's intended  
 27 activities.

**ORDER TO SHOW CAUSE AND RELATED PROVISIONS****VI. LIMITED EXPEDITED DISCOVERY**

IT IS FURTHER ORDERED that pursuant to Federal Rules of Civil Procedure 30(a), 31(a), 34, and 45, and notwithstanding the provisions of Federal Rules of Civil Procedure 26(d) and (f), 30(a)(2)(A), and 31(a)(2)(A), the parties are granted leave, at any time after entry of this Order to:

A. Take the deposition of any person, whether or not a party, for the purpose of discovering the nature, location, status, and extent of Defendant's assets; the nature and location of documents reflecting Defendant's business transactions; the location of any premises where Defendant, directly or through any third party, conducts business operations; the Defendant's whereabouts; and/or the applicability of any evidentiary privileges to this action; and

B. Demand the production of Documents from any person, whether or not a party, relating to the nature, status, and extent of Defendant's assets; the nature and location of documents reflecting Defendant's business transactions of Defendant; the location of any premises where Defendant, directly or through any third party, conducts business operations; the Defendant's whereabouts; and/or the applicability of any evidentiary privileges to this action.

Three (3) days notice shall be deemed sufficient for any such deposition, five (5) days notice shall be deemed sufficient for the production of any such documents, and twenty-four (24) hours notice shall be deemed sufficient for the production of any such documents that are maintained or stored only as electronic data. The provisions of this Section shall apply both to parties to this case and to non-parties. The limitations and conditions set forth in Federal Rules of Civil Procedure 30(a)(2)(A)(ii) and 31(a)(2)(A)(ii) regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Section. Any such depositions taken pursuant to this Section shall not be counted toward any limit on the number of depositions under the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure for the United States District Court for the Western District of Washington, including those set forth in Federal Rules of Civil Procedure 30(a)(2)(A) and 31(a)(2)(A). Service of discovery upon a party, taken pursuant to this Section, shall be sufficient if made through the means described in Section IX of this Order.

1                   **VII. SERVICE OF PLEADINGS, MEMORANDA, AND OTHER EVIDENCE**

2                   **IT IS FURTHER ORDERED** that Defendant shall file with the Court and serve on Plaintiff's  
 3 counsel any answering affidavits, pleadings, motions, expert reports or declarations, and/or legal  
 4 memoranda no later than four (4) business days prior to the hearing on Plaintiff's request for a  
 5 preliminary injunction.

6                   Plaintiff may file responsive or supplemental pleadings, materials, affidavits, or memoranda  
 7 with the Court and serve the same on Defendant or his counsel no later than one (1) business day prior  
 8 to the preliminary injunction hearing in this matter, provided that service shall be performed by  
 9 personal or overnight delivery, by electronic filing, or by facsimile, and documents shall be served so  
 10 that they shall be received by the other parties no later than 4:00 p.m. (Pacific Daylight Time) on the  
 11 appropriate dates listed in this Section.

12                   **VIII. CORRESPONDENCE WITH AND NOTICE TO PLAINTIFF**

13                   **IT IS FURTHER ORDERED** that, for purposes of this Order, all correspondence and  
 14 pleadings to the Commission shall be addressed to:

15                   Julie K. Mayer  
 16                   Federal Trade Commission  
 17                   915 Second Avenue, Suite 2896  
 18                   Seattle, WA 98174  
 19                   (206) 220-4475 [telephone]  
 20                   (206) 220-6366 [facsimile]  
 21                   jmayer@ftc.gov

22                   **IX. SERVICE OF ORDER**

23                   **IT IS FURTHER ORDERED** that copies of this Order may be served by any means,  
 24 including facsimile transmission, electronic mail, personal or overnight delivery, or by U.S. Mail, by  
 25 agents and employees of the Commission, by any law enforcement agency, or by private process  
 26 server, upon any person that may have possession or control of any document of Defendant, or that  
 27 may be subject to any provision of this Order.

28                   **X. DISTRIBUTION OF ORDER BY DEFENDANT**

29                   **IT IS FURTHER ORDERED** that Defendant shall immediately provide a copy of this Order  
 30 to each of his affiliates, divisions, directors, officers, agents, partners, successors, assigns, employees,  
 31 attorneys, agents, representatives, sales entities, sales persons, independent contractors, and any other

1 persons in active concert or participation with him. Within ten (10) calendar days from the date of  
 2 entry of this Order, Defendant shall serve on the Commission an affidavit identifying the name, title,  
 3 address, telephone number, date of service, and manner of service of each person or entity Defendant  
 4 served with a copy of this Order in compliance with this provision.

5 **XI. CONSUMER REPORTING AGENCIES**

6 **IT IS FURTHER ORDERED** that, pursuant to Section 604(a)(1) of the Fair Credit Reporting  
 7 Act, 15 U.S.C. § 1681b(a)(1), any consumer reporting agency may furnish a consumer or credit report  
 8 concerning Defendant to the Commission.

9 **XII. MOTION FOR LIVE TESTIMONY; WITNESS IDENTIFICATION**

10 **IT IS FURTHER ORDERED** that the question of whether this Court should enter a  
 11 preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining  
 12 Defendant during the pendency of this action shall be resolved on the pleadings, declarations, exhibits,  
 13 and memoranda filed by, and oral argument of, the parties. Live testimony shall be heard only on  
 14 further order of this Court or on motion filed with the Court and served on counsel for the other parties  
 15 at least four (4) business days prior to the preliminary injunction hearing in this matter. Such motion  
 16 shall set forth the name, address, and telephone number of each proposed witness, a detailed summary  
 17 or affidavit revealing the substance of each proposed witness's expected testimony, and an explanation  
 18 of why the taking of live testimony would be helpful to this Court. Any papers opposing a timely  
 19 motion to present live testimony or to present live testimony in response to another party's timely  
 20 motion to present live testimony shall be filed with this Court and served on the other parties at least  
 21 two (2) business days prior to the preliminary injunction hearing in this matter, provided that service  
 22 shall be performed by personal or overnight delivery, by electronic filing, or by facsimile, and  
 23 documents shall be delivered so that they shall be received by the other parties no later than 4:00 p.m.  
 24 (Pacific Daylight Time) on the appropriate dates provided in this Section.

25 *Provided further*, however, that an evidentiary hearing on the Commission's request for a preliminary  
 26 injunction is not necessary unless Defendant demonstrates that he has, and intends to introduce,  
 27 evidence that raises a genuine material factual issue.

### **XIII. DURATION OF THE TEMPORARY RESTRAINING ORDER**

**IT IS FURTHER ORDERED** that the Temporary Restraining Order granted herein shall expire on \_\_\_\_\_, 2011, at \_\_\_.m. (Pacific Daylight Time), unless, within such time, for good cause shown, the Order is extended, or unless Defendant consents that it should be extended for a longer period of time.

#### **XIV. ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION**

**IT IS FURTHER ORDERED**, pursuant to Federal Rule of Civil Procedure 65(b), that Defendant shall appear before this Court, on the \_\_\_\_\_ floor of the U.S. Courthouse, 700 Stewart Street, Seattle, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., to show cause, if there is any, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint against Defendant, enjoining it from further violations of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, and imposing such additional relief as may be appropriate.

## XV. RETENTION OF JURISDICTION

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all purposes.

SO ORDERED this 11 day of April, 2011.

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### United States District Judge

Presented by:

WILLARD K. TOM  
General Counsel  
ROBERT J. SCHROEDER  
Regional Director

s/Julie K. Mayer  
JULIE K. MAYER, WSBA #34638  
LAURA M. SOLIS, WSBA #36005  
Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

**FEDERAL TRADE COMMISSION**

**FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT**

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**Instructions:**

1. Complete all items. Enter “None” or “N/A” (“Not Applicable”) where appropriate. If you cannot fully answer a question, explain why.
2. The font size within each field will adjust automatically as you type to accommodate longer responses.
3. “Dependents” include your live-in companion, dependent children, or any other person, whom you or your spouse (or your children’s other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
4. “Assets” and “Liabilities” include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.
5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
6. Type or print legibly.
7. Initial each page in the space provided in the lower right corner.
8. Sign and date the completed financial statement on the last page.

**Penalty for False Information:**

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) “in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry” (18 U.S.C. § 1001);
- (2) “in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true” (18 U.S.C. § 1621); or
- (3) “in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration” (18 U.S.C. § 1623).

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

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**BACKGROUND INFORMATION**

**Item 1. Information About You**

Your Full Name \_\_\_\_\_ Social Security No. \_\_\_\_\_

Place of Birth \_\_\_\_\_ Date of Birth \_\_\_\_\_ Drivers License No. \_\_\_\_\_

Current Address \_\_\_\_\_ From (Date) \_\_\_\_\_

Rent or Own? \_\_\_\_\_ Telephone No. \_\_\_\_\_ Facsimile No. \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Internet Home Page \_\_\_\_\_

Previous Addresses for past five years:

Address \_\_\_\_\_ Rent or Own? \_\_\_\_\_ From/Until \_\_\_\_\_

Address \_\_\_\_\_ Rent or Own? \_\_\_\_\_ From/Until \_\_\_\_\_

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used \_\_\_\_\_

**Item 2. Information About Your Spouse or Live-In Companion**

Spouse/Companion's Name \_\_\_\_\_ Social Security No. \_\_\_\_\_

Place of Birth \_\_\_\_\_ Date of Birth \_\_\_\_\_

Identify any other name(s) and/or social security number(s) your spouse/companion has used, and the time period(s) during which they were used \_\_\_\_\_

Address (if different from yours) \_\_\_\_\_

From (Date) \_\_\_\_\_ Rent or Own? \_\_\_\_\_ Telephone No. \_\_\_\_\_

Employer's Name and Address \_\_\_\_\_

Job Title \_\_\_\_\_ Years in Present Job \_\_\_\_\_ Annual Gross Salary/Wages \$ \_\_\_\_\_

**Item 3. Information About Your Previous Spouse**

Previous Spouse's Name & Address \_\_\_\_\_

\_\_\_\_\_ Social Security No. \_\_\_\_\_ Date of Birth \_\_\_\_\_

**Item 4. Contact Information**

Name & Address of Nearest Living Relative or Friend \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**Item 5. Information About Dependents Who Live With You**

► Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Relationship \_\_\_\_\_ Social Security No. \_\_\_\_\_  
► Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Relationship \_\_\_\_\_ Social Security No. \_\_\_\_\_  
► Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Relationship \_\_\_\_\_ Social Security No. \_\_\_\_\_

**Item 6. Information About Dependents Who Do Not Live With You**

► Name & Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_ Relationship \_\_\_\_\_ Social Security No. \_\_\_\_\_  
► Name Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_ Relationship \_\_\_\_\_ Social Security No. \_\_\_\_\_  
► Name & Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_ Relationship \_\_\_\_\_ Social Security No. \_\_\_\_\_

**Item 7. Employment Information**

Provide the following information for this year-to-date and for each of the previous five full years, for each company of which you were a director, officer, employee, agent, contractor, participant or consultant at any time during that period. "Income" includes, but is not limited to, any salary, commissions, draws, consulting fees, loans, loan payments, dividends, royalties or other benefits for which you did not pay (e.g., health insurance premiums, automobile lease or loan payments) received by you or anyone else on your behalf.

► Company Name & Address \_\_\_\_\_  
Dates Employed: From (Month/Year) \_\_\_\_\_ To (Month/Year) \_\_\_\_\_  
Positions Held with Beginning and Ending Dates \_\_\_\_\_  
\_\_\_\_\_

**Item 7. continued**

Income Received: This year-to-date: \$ \_\_\_\_\_: \$ \_\_\_\_\_

20\_\_\_\_\_: \$\_\_\_\_\_

\_\_\_\_\_ : \$ \_\_\_\_\_      \_\_\_\_\_ : \$ \_\_\_\_\_

► Company Name & Address \_\_\_\_\_

Dates Employed: From (Month/Year) \_\_\_\_\_ To (Month/Year) \_\_\_\_\_

Positions Held with Beginning and Ending Dates \_\_\_\_\_

Income Received: This year-to-date: \$ \_\_\_\_\_: \$ \_\_\_\_\_

20\_\_\_\_: \$\_\_\_\_\_ \_\_\_\_\_: \$\_\_\_\_\_

\_\_\_\_\_ : \$ \_\_\_\_\_      \_\_\_\_\_ : \$ \_\_\_\_\_

► Company Name & Address \_\_\_\_\_

Dates Employed: From (Month/Year) \_\_\_\_\_ To (Month/Year) \_\_\_\_\_

Positions Held with Beginning and Ending Dates \_\_\_\_\_

Income Received: This year-to-date: \$\_\_\_\_\_      \_\_\_\_\_: \$\_\_\_\_\_

20\_\_\_\_: \$\_\_\_\_\_      \_\_\_\_\_: \$\_\_\_\_\_

\_\_\_\_\_: \$\_\_\_\_\_      \_\_\_\_\_: \$\_\_\_\_\_

**Item 8. Pending Lawsuits Filed by You or Your Spouse**

List all pending lawsuits that have been filed by you or your spouse in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

**Item 9. Pending Lawsuits Filed Against You or Your Spouse**

List all pending lawsuits that have been filed against you or your spouse in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

**Item 10. Safe Deposit Boxes**

List all safe deposit boxes, located within the United States or elsewhere, held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents. *On a separate page, describe the contents of each box.*

<u>Owner's Name</u>	<u>Name &amp; Address of Depository Institution</u>	<u>Box No.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Item 11. Business Interests**

List all businesses for which you, your spouse, or your dependents are an officer or director.

►Business' Name & Address \_\_\_\_\_

Business Format (e.g., corporation) _____	Description of Business _____
_____	_____

►Business' Name & Address \_\_\_\_\_

Business Format (e.g., corporation) _____	Description of Business _____
_____	_____

►Business' Name & Address \_\_\_\_\_

Business Format (e.g., corporation) _____	Description of Business _____
_____	_____

**FINANCIAL INFORMATION: ASSETS AND LIABILITIES**

**REMINDER:** “Assets” and “Liabilities” include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.

**Item 12.****Cash, Bank, and Money Market Accounts**

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents. The term “cash” includes currency and uncashed checks.

Cash on Hand \$\_\_\_\_\_ Cash Held For Your Benefit \$\_\_\_\_\_

<u>Name on Account</u>	<u>Name &amp; Address of Financial Institution</u>	<u>Account No.</u>	<u>Current Balance</u>
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____
_____	_____	_____	\$_____

**Item 13.****U.S. Government Securities**

List all U.S. Government securities, including but not limited to, savings bonds, treasury bills, and treasury notes, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

<u>Name on Account</u>	<u>Type of Obligation</u>	<u>Security Amount</u>	<u>Maturity Date</u>
_____	_____	\$_____	_____
_____	_____	\$_____	_____
_____	_____	\$_____	_____

**Item 14. Publicly Traded Securities and Loans Secured by Them**

List all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Issuer \_\_\_\_\_ Type of Security \_\_\_\_\_ No. of Units Owned \_\_\_\_\_

Name on Security \_\_\_\_\_ Current Fair Market Value \$\_\_\_\_\_ Loan(s) Against Security \$\_\_\_\_\_

Broker House, Address \_\_\_\_\_ Broker Account No. \_\_\_\_\_

► Issuer \_\_\_\_\_ Type of Security \_\_\_\_\_ No. of Units Owned \_\_\_\_\_

Name on Security \_\_\_\_\_ Current Fair Market Value \$\_\_\_\_\_ Loan(s) Against Security \$\_\_\_\_\_

Broker House, Address \_\_\_\_\_ Broker Account No. \_\_\_\_\_

## **Item 15. Other Business Interests**

List all other business interests, including but not limited to, non-public corporations, subchapter-S corporations, limited liability corporations (“LLCs”), general or limited partnership interests, joint ventures, sole proprietorships, and oil and mineral leases, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

►Business Format \_\_\_\_\_ Business' Name & Address \_\_\_\_\_  
Ownership %

Owner (e.g., self, spouse) \_\_\_\_\_ Current Fair Market Value \$ \_\_\_\_\_

**Item 16. Monetary Judgments or Settlements Owed to You, Your Spouse, or Your Dependents**

List all monetary judgments or settlements owed to you, your spouse, or your dependents.

►Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

►Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

**Item 17. Other Amounts Owed to You, Your Spouse, or Your Dependents**

List all other amounts owed to you, your spouse, or your dependents.

Debtor's Name, Address, & Telephone No. \_\_\_\_\_

Original Amount Owed \$\_\_\_\_\_ Current Amount Owed \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_

**Item 18. Life Insurance Policies**

List all life insurance policies held by you, your spouse, or your dependents.

► Insurance Company's Name, Address, & Telephone No. \_\_\_\_\_  
\_\_\_\_\_

Insured \_\_\_\_\_ Beneficiary \_\_\_\_\_ Face Value \$\_\_\_\_\_

Policy No. \_\_\_\_\_ Loans Against Policy \$\_\_\_\_\_ Surrender Value \$\_\_\_\_\_

► Insurance Company's Name, Address, & Telephone No. \_\_\_\_\_  
\_\_\_\_\_

Insured \_\_\_\_\_ Beneficiary \_\_\_\_\_ Face Value \$\_\_\_\_\_

Policy No. \_\_\_\_\_ Loans Against Policy \$\_\_\_\_\_ Surrender Value \$\_\_\_\_\_

**Item 19. Deferred Income Arrangements**

List all deferred income arrangements, including but not limited to, deferred annuities, pensions plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, and other retirement accounts, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Name on Account \_\_\_\_\_ Type of Plan \_\_\_\_\_ Date Established \_\_\_\_\_

Trustee or Administrator's Name, Address & Telephone No. \_\_\_\_\_  
\_\_\_\_\_

Account No. \_\_\_\_\_ Surrender Value \$\_\_\_\_\_

► Name on Account \_\_\_\_\_ Type of Plan \_\_\_\_\_ Date Established \_\_\_\_\_

Trustee or Administrator's Name, Address & Telephone No. \_\_\_\_\_  
\_\_\_\_\_

Account No. \_\_\_\_\_ Surrender Value \$\_\_\_\_\_

**Item 20. Personal Property**

List all personal property, by category, whether held for personal use or for investment, including but not limited to, furniture and household goods of value, computer equipment, electronics, coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

<u>Property Category</u> (e.g., artwork, jewelry)	<u>Name of Owner</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

**Item 21. Cars, Trucks, Motorcycles, Boats, Airplanes, and Other Vehicles**

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles owned or operated by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

►Vehicle Type \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Registered Owner's Name \_\_\_\_\_ Registration State & No. \_\_\_\_\_

Address of Vehicle's Location \_\_\_\_\_

Purchase Price \$\_\_\_\_\_ Current Value \$\_\_\_\_\_ Account/Loan No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Original Loan Amount \$\_\_\_\_\_ Current Loan Balance \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_

►Vehicle Type \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Registered Owner's Name \_\_\_\_\_ Registration State & No. \_\_\_\_\_

Address of Vehicle's Location \_\_\_\_\_

Purchase Price \$\_\_\_\_\_ Current Value \$\_\_\_\_\_ Account/Loan No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Original Loan Amount \$\_\_\_\_\_ Current Loan Balance \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_

**Item 21. Continued**

► Vehicle Type \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Registered Owner's Name \_\_\_\_\_ Registration State &amp; No. \_\_\_\_\_

Address of Vehicle's Location \_\_\_\_\_

Purchase Price \$\_\_\_\_\_ Current Value \$\_\_\_\_\_ Account/Loan No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Original Loan Amount \$\_\_\_\_\_ Current Loan Balance \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_

**Item 22. Real Property**

List all real estate held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Type of Property \_\_\_\_\_ Property's Location \_\_\_\_\_

Name(s) on Title and Ownership Percentages \_\_\_\_\_

Acquisition Date \_\_\_\_\_ Purchase Price \$\_\_\_\_\_ Current Value \$\_\_\_\_\_

Basis of Valuation \_\_\_\_\_ Loan or Account No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Current Balance On First Mortgage \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_

Other Loan(s) (describe) \_\_\_\_\_ Current Balance \$\_\_\_\_\_

Monthly Payment \$\_\_\_\_\_ Rental Unit? \_\_\_\_\_ Monthly Rent Received \$\_\_\_\_\_

► Type of Property \_\_\_\_\_ Property's Location \_\_\_\_\_

Name(s) on Title and Ownership Percentages \_\_\_\_\_

Acquisition Date \_\_\_\_\_ Purchase Price \$\_\_\_\_\_ Current Value \$\_\_\_\_\_

Basis of Valuation \_\_\_\_\_ Loan or Account No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Current Balance On First Mortgage \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_

Other Loan(s) (describe) \_\_\_\_\_ Current Balance \$\_\_\_\_\_

Monthly Payment \$\_\_\_\_\_ Rental Unit? \_\_\_\_\_ Monthly Rent Received \$\_\_\_\_\_

**Item 23. Credit Cards**

List each credit card held by you, your spouse, or your dependents. Also list any other credit cards that you, your spouse, or your dependents use.

<u>Name of Credit Card (e.g., Visa, MasterCard, Department Store)</u>	<u>Account No.</u>	<u>Name(s) on Account</u>	<u>Current Balance</u>	<u>Minimum Monthly Payment</u>
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

**Item 24. Taxes Payable**

List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependents.

<u>Type of Tax</u>	<u>Amount Owed</u>	<u>Year Incurred</u>
	\$	
	\$	
	\$	
	\$	

**Item 25. Judgments or Settlements Owed**

List all judgments or settlements owed by you, your spouse, or your dependents.

Opposing Party's Name & Address\_\_\_\_\_

Court's Name & Address\_\_\_\_\_ Docket No.\_\_\_\_\_

Nature of Lawsuit\_\_\_\_\_ Date\_\_\_\_\_ Amount \$\_\_\_\_\_

**Item 26. Other Loans and Liabilities**

List all other loans or liabilities in your, your spouse's, or your dependents' names.

► Name & Address of Lender/Creditor \_\_\_\_\_

Nature of Liability \_\_\_\_\_ Name(s) on Liability \_\_\_\_\_

Date of Liability \_\_\_\_\_ Amount Borrowed \$ \_\_\_\_\_ Current Balance \$ \_\_\_\_\_

Payment Amount \$ \_\_\_\_\_ Frequency of Payment \_\_\_\_\_

► Name & Address of Lender/Creditor \_\_\_\_\_

Nature of Liability \_\_\_\_\_ Name(s) on Liability \_\_\_\_\_

Date of Liability \_\_\_\_\_ Amount Borrowed \$ \_\_\_\_\_ Current Balance \$ \_\_\_\_\_

Payment Amount \$ \_\_\_\_\_ Frequency of Payment \_\_\_\_\_

**OTHER FINANCIAL INFORMATION****Item 27. Tax Returns**

List all federal tax returns that were filed during the last three years by or on behalf of you, your spouse, or your dependents. *Provide a copy of each signed tax return that was filed during the last three years.*

<u>Tax Year</u>	<u>Name(s) on Return</u>	<u>Refund Expected</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**Item 28. Applications for Credit**

List all applications for bank loans or other extensions of credit that you, your spouse, or your dependents have submitted within the last two years. *Provide a copy of each application, including all attachments.*

<u>Name(s) on Application</u>	<u>Name &amp; Address of Lender</u>
_____	_____
_____	_____
_____	_____

**Item 29. Trusts and Escrows**

List all funds or other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents, for any person or entity. *Provide copies of all executed trust documents.*

<u>Trustee or Escrow Agent's Name &amp; Address</u>	<u>Date Established</u>	<u>Grantor</u>	<u>Beneficiaries</u>	<u>Present Market Value of Assets</u>
				\$ _____
				\$ _____
				\$ _____
				\$ _____
				\$ _____

**Item 30. Transfers of Assets**

List each person to whom you have transferred, in the aggregate, more than \$2,500 in funds or other assets during the previous three years by loan, gift, sale, or other transfer. For each such person, state the total amount transferred during that period.

<u>Transferee's Name, Address, &amp; Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		

**SUMMARY FINANCIAL SCHEDULES****Item 31. Combined Balance Sheet for You, Your Spouse, and Your Dependents**

<u>ASSETS</u>	<u>LIABILITIES</u>
Cash on Hand (Item 12) \$_____	Credit Cards (Item 23) \$_____
Cash in Financial Institutions (Item 12) \$_____	Motor Vehicles - Liens (Item 21) \$_____
U.S. Government Securities (Item 13) \$_____	Real Property - Encumbrances (Item 22) \$_____
Publicly Traded Securities (Item 14) \$_____	Loans Against Publicly Traded Securities (Item 14) \$_____
Other Business Interests (Item 15) \$_____	Taxes Payable (Item 24) \$_____
Judgments or Settlements Owed to You (Item 16) \$_____	Judgments or Settlements Owed (Item 25) \$_____
Other Amounts Owed to You (Item 17) \$_____	Other Loans and Liabilities (Item 26) \$_____
Surrender Value of Life Insurance (Item 18) \$_____	<u>Other Liabilities (Itemize)</u> _____ \$_____
Deferred Income Arrangements (Item 19) \$_____	_____ \$_____
Personal Property (Item 20) \$_____	_____ \$_____
Motor Vehicles (Item 21) \$_____	_____ \$_____
Real Property (Item 22) \$_____	_____ \$_____
<u>Other Assets (Itemize)</u> _____ \$_____	_____ \$_____
_____ \$_____	_____ \$_____
_____ \$_____	_____ \$_____
_____ \$_____	_____ \$_____
_____ \$_____	_____ \$_____
Total Assets \$_____	Total Liabilities \$_____

**Item 32.** **Combined Average Monthly Income and Expenses for You, Your Spouse, and Your Dependents for the Last 6 Months**

Provide the average monthly income and expenses for you, your spouse, and your dependents for the last 6 months. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.

<u>INCOME</u>		<u>EXPENSES</u>	
Salary - After Taxes	\$ _____	Mortgage Payments for Residence(s)	\$ _____
Fees, Commissions, and Royalties	\$ _____	Property Taxes for Residence(s)	\$ _____
Interest	\$ _____	Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance	\$ _____
Dividends and Capital Gains	\$ _____	Car or Other Vehicle Lease or Loan Payments	\$ _____
Gross Rental Income	\$ _____	Food Expenses	\$ _____
Profits from Sole Proprietorships	\$ _____	Clothing Expenses	\$ _____
Distributions from Partnerships, S-Corporations, and LLCs	\$ _____	Utilities	\$ _____
Distributions from Trusts and Estates	\$ _____	Medical Expenses, Including Insurance	\$ _____
Distributions from Deferred Income Arrangements	\$ _____	Other Insurance Premiums	\$ _____
Social Security Payments	\$ _____	Other Transportation Expenses	\$ _____
Alimony/Child Support Received	\$ _____	Other Household Expenses	\$ _____
Gambling Income	\$ _____	<u>Other Expenses (Itemize)</u>	
<u>Other Income (Itemize)</u>	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Total Income	\$ _____	Total Expenses	\$ _____

## ATTACHMENTS

**Item 33. Documents Attached to this Financial Statement**

List all documents that are being submitted with this financial statement.

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

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**Signature**